Notice of Change/Withdrawal

WATER MANAGEMENT DISTRICTS
South Florida Water Management District
RULE NO.: RULE TITLE:

40E-10.021: Definitions

40E-10.031: Water Reservations Implementation

40E-10.061: Water Reservation Areas: Lower East Coast Planning Area

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 46 No. 203, October 16, 2020 issue of the Florida Administrative Register.

40E-10.061 Water Reservation Areas: Lower East Coast Planning Area.

(1) through (2) No change.

(3) EAA Reservoir:

(a) through (b) No Change.

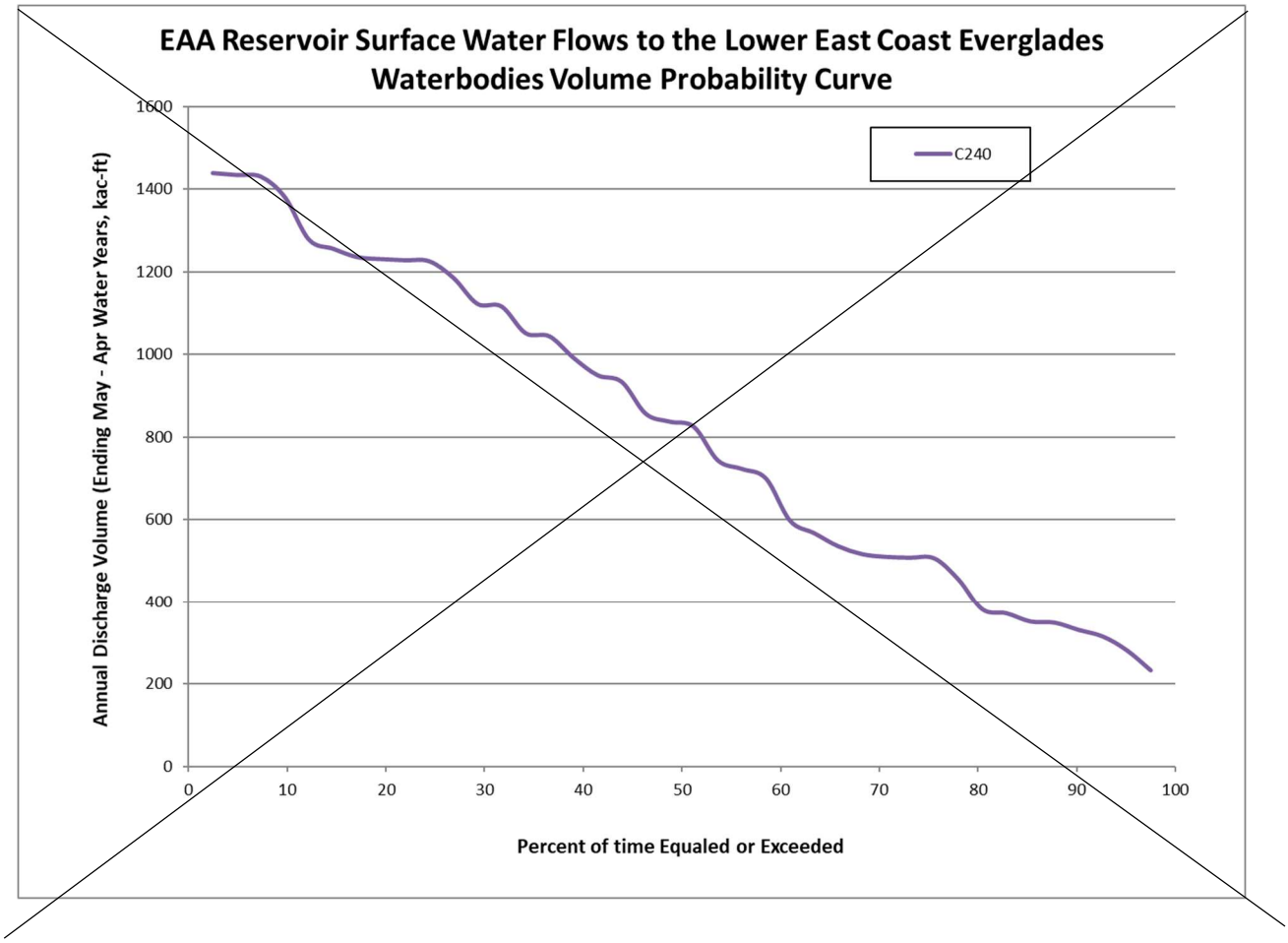
(c) ~~Model simulations of the draft operating protocol predict the EAA Reservoir, together with existing and planned infrastructure and a modified Lake Okeechobee schedule, will convey 825,000 acre-feet of surface water during an average annual water year (May-April) (see Figure 3-7), thereby increasing existing flows on average annually to the Central Everglades by 370,000 acre-feet over the period of simulation (1965-2005).~~ Within 90 days of approval of the Final Project Operating Manual or Final System Operating Manual for the EAA Reservoir, the District shall publish a Notice of Rule Development to revise the reservation contained in paragraph 40E-10.061(3)(a), F.A.C., above, and criteria in Section 3.11.6 of the Applicant's Handbook, incorporated by reference in Rule 40E-2.091, F.A.C. Said rulemaking must result in an adopted rule that is in effect, unless subject to legal proceedings or legislative ratification, within two years of publication of the Notice of Rule Development and before the EAA Reservoir is deemed operational pursuant to paragraph 40E-10.061(3)(b), F.A.C., above.

(d) ~~(c)~~ The reservation contained in paragraph 40E-10.061(3)(a), F.A.C., above, and the criteria contained in Section 3.11.6 of the "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District" (Applicant's Handbook), incorporated by reference in Rule 40E-2.091, F.A.C., shall ~~will~~ be revised in light of changed conditions or new information. ~~The reservation and criteria in Section 3.11.6 of the Applicant's Handbook, incorporated by reference in Rule 40E-2.091, F.A.C., will be revised before the EAA Reservoir is deemed operational, including an approved system or project operating manual, and any difference between the quantity of water actually made available and the quantity simulated will be reconciled.~~

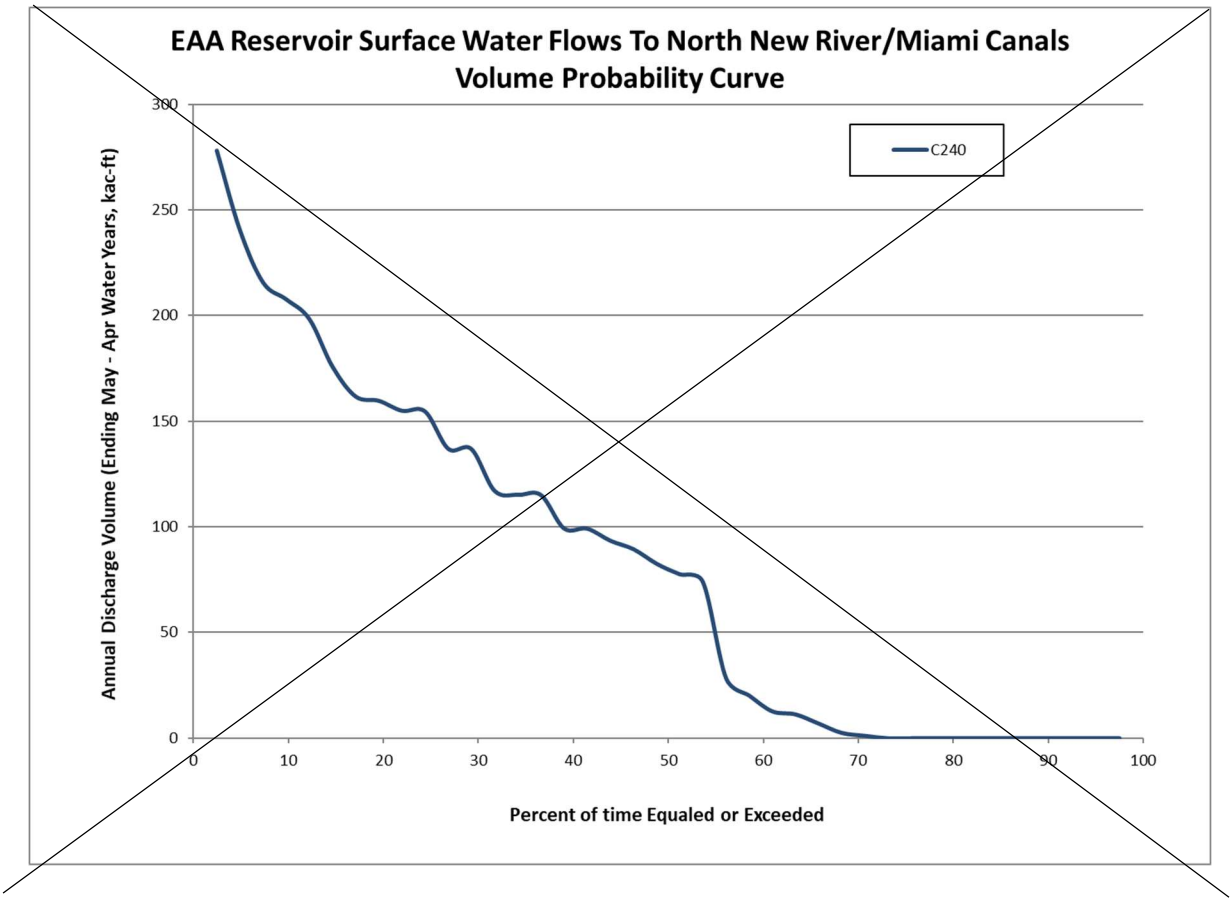
(e) ~~(d)~~ Water released from the EAA Reservoir through structure S-628 is not reserved. ~~Model simulations of the draft operating protocol predict the EAA Reservoir, together with existing and planned infrastructure and a modified Lake Okeechobee schedule, will convey 82,000 acre-feet of surface water during an average annual water year through structure S-628 (see Figure 3-8).~~

APPENDIX 1 AND 2 NO CHANGE

APPENDIX 3, FIGURES 3-1 through 3-6 No Change.



~~Figure 3-7. EAA Reservoir annual surface water discharges through structures S-624, S-625, and S-626 volume probability curve (May-April water year) from the Alternative C240 model simulation.~~



~~Figure 3-8. EAA Reservoir annual surface water discharges through structure S-628 volume probability curve (May–April water year) from the Alternative C240 model simulation.~~

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–7-21-13, Amended 3-15-17,_____.

Notice of Change/Withdrawal

WATER MANAGEMENT DISTRICTS
South Florida Water Management District
RULE NO.: RULE TITLE:
40E-2.091: Publications Incorporated by Reference

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 46 No. 203, October 16, 2020 issue of the Florida Administrative Register.

40E-2.091 Publications Incorporated by Reference.

(1) The "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District – _____,2021 ~~September 7, 2015~~" (http://www.flrules.org/Gateway/reference.asp?No=RefXXXXX ~~http://www.flrules.org/Gateway/reference.asp?No=Ref05791~~) is incorporated by reference herein.

(2) The following forms and materials are referenced in the "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District – _____,2021 ~~September 7, 2015~~" (http://www.flrules.org/Gateway/reference.asp?No=RefXXXXX and are incorporated herein:

(a) through (g) No Change.

(3) through (4) No Change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.216 FS. Law Implemented 373.042, 373.0421, 373.083, 373.109, ~~373.196,~~ 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, 3-15-10, 3-18-10, 9-26-12, 10-23-12, 7-21-13, 7-14-14, 7-16-14, 9-7-15,_____.

Excerpt from "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District"

3.11.6 Everglades Agricultural Area (EAA) Reservoir

The Everglades Agricultural Area Reservoir Water Reservation, as stated in paragraph 40E-10.061(3)(a), F.A.C., protects the Central Everglades Planning Project water needed for fish and wildlife within the Lower East Coast Everglades Waterbodies. Renewals of existing permits and a~~A~~pplications received ~~deemed complete~~ before the conditions identified in paragraphs 40E-10.061(3)(b)&(c), F.A.C., and which otherwise satisfy the requirements of Chapter 40E-2, F.A.C., as applicable, do not use water reserved under paragraph 40E-10.061(3)(a), F.A.C. In accordance with Section 373.1501(5)(d), F.S., the quantity of water available to existing legal users is not diminished by the reservation rule.